

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: A. Luchinskiy, *et al.*

Serial No.: Unassigned

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For: METHOD FOR PRODUCING
ELECTRICAL ENERGY

Group Art Unit: Unassigned

Examiner: Unassigned

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Date: September 4, 2003

By: D. A. Gascoigne

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. §§1.132

I, Harold Gascoigne declare and state that:

1. I am a Professor in the Department of Mechanical Engineering at California Polytechnic State University in San Luis Obispo, California.

2. I received a BS degree in Mechanical Engineering from University of Kansas in 1956, an MS degree in Engineering in 1959 and a PhD in Engineering Mechanics in 1968, both from the University of Michigan.

3. I have been teaching at the university level for 35 years including 16 years at the University of Utah and for the past 19 years at California Polytechnic State University in San Luis Obispo, California.

4. I believe based on my education and experience that I am a person having ordinary skill in the art to which the subject application relates.

5. I understand the subject application claims priority benefits under Title 35, U.S. Code §119 to PCT/DE99/03389 filed October 21, 1999, published as WIPO Publication

No. WO 00/25414 on May 4, 2000, which claims the priority benefits to German Patent Application DE 198 48 852.1, filed October 22, 1998, now granted as Patent No. DE 19848852.1 (EP Patent No. EP 1123578, and AU1548600) on July 29, 1999.

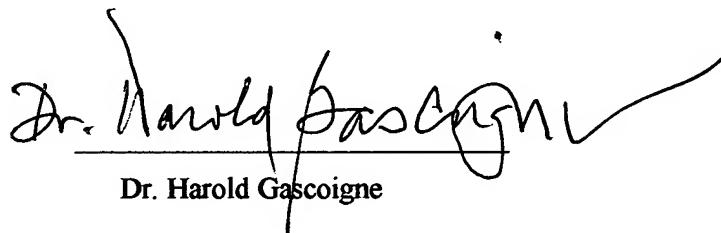
6. To obtain a background on the subject application, I read the translation of PCT/DE99/03389 filed October 21, 1999, published as WIPO Publication No. WO 00/25414 and at least portions of the Amendment Under 37 C.F.R. 1.111 file on 10 April 2003 as reported in the Office Action dated July 24, 2003 in connection with the parent application, Serial No. 09/830,017.

7. I conclude that the translation and the portions of the Amendment referred to under the above paragraph 6 that I read provide me the essential features of the claimed invention to enable me to build the claimed invention and that the translation teaches a useful process.

8. After I came to the conclusion set forth in the above paragraph 7, I read the subject application and find that the subject application is fully supported by the translation referred to under the above paragraph 6.

9. I hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: August 27, 2003



Dr. Harold Gascoigne